

THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF NORTH CAROLINA  
FILE NO. 5:25-cv-00156-BO-BM

NOW COME Defendants, North Carolina State Highway Patrol, North Carolina Department of Public Safety (hereinafter, “Institutional Defendants”), Timothy T. Daniels, David S. Smith, Freddy L. Johnson, Jr., (hereinafter “Supervisory Defendants”), Ashley R. Daughtry, Devin M. Rich, and James D. Duff, (hereinafter “Trooper Defendants”), by and through their undersigned counsel, pursuant to Rule 12(b) of the Federal Rules of Civil Procedure, and move this Court for an order of dismissal because various claims of Plaintiff are either barred by Sovereign Immunity or fail to state a claim upon which relief can be granted. In support of this motion, all Defendants rely upon Plaintiff’s complaint [DE-1-3] and the arguments and authorities set forth in the Memorandum in Support of this Motion and filed contemporaneously therewith.

WHEREFORE, the Defendants respectfully request that their Motion to Dismiss be granted.

This the 19th day of May 2025.

**JEFF JACKSON  
ATTORNEY GENERAL**

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**CERTIFICATE OF SERVICE**

I hereby certify that on this date I electronically filed the foregoing **DEFENDANTS'** **MOTION TO DISMISS PURSUANT TO FED. R. CIV. P. 12(b)(1) and (6)** with the Clerk of the court utilizing the CM/ECF system and further certify that I have served upon counsel of record by e-mail to the address indicated below.

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This the 19th day of May 2025.

/s/ Joseph P. Vellon  
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Special Deputy Attorney General